



# Clay County Board Minutes



## COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, June 16, 2015 at 9:00 A.M.

The Clay County Board of Supervisors met June 16, 2015, as per public notice given in the Clay County News on June 10, 2015. A copy of the proof of publication is on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting. Chairman Nuss presided with roll call showing the following present: Samuelson, Anderson, Schmidt, Johnson, Shaw, Fintel and Nuss. Minutes of the meeting held May 26, 2015 were mailed to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Todd Nuss stated that the open meeting law poster is posted on the west wall in the back of the room.

Motion by Johnson and seconded by Samuelson to approve the minutes of the meeting held May 26, 2015 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel; abstain: Nuss. Motion carried.

Thomas Roemmich, Highway Superintendent reported that he had been contacted by Tim Horst, Conservation Specialist with Ducks Unlimited requesting to do some work by their property by Verona. Since they would be building up the road to get the water off of it, Tom said he would be ok with the project.

Motion by Shaw and seconded by Fintel to approve the Ducks Unlimited Verona-Dietz WRP project. On roll call, yea: Schmidt, Johnson, Shaw, Fintel, Samuelson and Nuss; nay: Anderson. Motion carried.

A resolution was presented for installation of stop signs. The highway supt. recommended the installation as a result of sight distance problems at the intersection.

Motion by Anderson and seconded by Shaw to adopt Resolution #15-07 concerning stop sign placement on the North and South sides of the intersection of Road 311 and Road R authorize the chairman to sign. On roll call, yea: Schmidt, Johnson, Shaw, Fintel, Samuelson, Anderson and Nuss. Motion carried.

### RESOLUTION #15-07

WHEREAS Stop Signs and Traffic Control Devices have been installed at several intersections and other locations in Clay County, Nebraska, and it is the intention and desire of the Clay County Board of Supervisors to have and maintain a record of such traffic control devices and have them officially designated, therefore,



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BE IT RESOLVED by the Clay County Board of Supervisors, Clay County Nebraska, in regular session assembled on June 16th, 2015, that Stop Signs be installed in Clay County at the following locations:

At the NW Corner of Section 14, T6N-R6W Marshall Township, and at the SE Corner of Section 10, T6N-R6W, Marshall Township, on the North and South sides of the intersection of Road 311 and Road R, to stop traffic traveling North and South on Road R, as a result of sight distance problems on Road 311 and Road R. DONE  
this 16<sup>th</sup> day of June, 2015 at regular session of the Clay County Board of Supervisors.  
Todd Nuss, Chairman                      Deb Karnatz, Clay County Clerk

Motion by Shaw and seconded by Schmidt to approve the easement requested by Dale Shuck for Diamond 7 Corp. for an electric line across Road T from the SE ¼ Sec. 13-T5N-R6W to SW ¼ Sec. 18-T5N-R5W for 2 small pivots to water corners —agricultural use only. On roll call, yea: Johnson, Shaw, Fintel, Samuelson, Anderson, Schmidt and Nuss. Motion carried.

Motion by Fintel and seconded by Samuelson to open the public hearing for a water easement in Marshall Township at 9:07 A.M. On roll call, yea: Shaw, Fintel, Samuelson, Anderson, Schmidt, Johnson and Nuss. Motion carried.

Tom Roemmich II, Highway Supt. was present; no other persons were present to discuss this matter; no written or oral comments or objections were received.

The easement requested by Dale Shuck for Diamond 7 Corp. for a water line was discussed.

Motion by Schmidt and seconded by Fintel to close the public hearing at 9:15 A.M. On roll call, yea: Fintel, Samuelson, Anderson, Schmidt, Johnson, Shaw and Nuss. Motion carried.

Motion by Shaw and seconded by Anderson to approve the easement requested by Dale Shuck for Diamond 7 Corp. for a water line across Road T from the SE ¼ Sec. 13-T5N-R6W to SW ¼ Sec. 18-T5N-R5W for irrigation to 2 small pivots to water corners —agricultural use only. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Fintel and Nuss. Motion carried.

Motion by Fintel and seconded by Schmidt to open the public hearing for the closing of a portion of Road 310 in Marshall Township at 9:17 A.M. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Fintel, Samuelson and Nuss. Motion carried.

Tom Roemmich II, Highway Supt. was present; no other persons were present to discuss this matter; no written or oral comments or objections were received. Tom



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explained the resolution and why he was recommending closure of this portion of the road.

Motion by Fintel and seconded by Samuelson to close the public hearing at 9:20 A.M.  
On roll call, yea: Schmidt, Johnson, Shaw, Fintel, Samuelson, Anderson and Nuss.  
Motion carried.

Motion by Anderson and seconded by Shaw to adopt Resolution #15-08 to close the West 1150' of Road 310 between sections 18 and 19 in Marshall Township and authorize the chairman to sign. On roll call, yea: Johnson, Shaw, Fintel, Samuelson, Anderson, Schmidt and Nuss. Motion carried.

## RESOLUTION #15-08

WHEREAS, The section of road known as Road 310, starting at the Southwest Corner of Section 18, T6N-R6W, thence East for 1,150 Feet, located between Section 18, T6N-R6W, Marshall Township, Clay County, Nebraska, and Section 19, T6N-R6W, Marshall Township, Clay County Nebraska, and is under Clay County's jurisdiction and;

WHEREAS, The Marshall Township Board has requested the section of road be closed and a public hearing be held to consider the closing, and;

WHEREAS, The Highway Supt. reported the road in question is a dirt road that has not been maintained for many years and is overgrown with grass. This section of road has been used by the adjoining landowners for access to their property. The section also ends 1,150 feet east of the intersection at the boundary of the Massie Waterfowl Production Area. The closing of this section of road would not deny any landowners or tenants any access to their adjoining properties. The section would be split 50/50 and become property of the adjoining landowners upon closing. Traffic counts were not taken during this study due to the road being mainly farm access, and;

WHEREAS, a public hearing was held on June 16<sup>th</sup>, 2015, with no public input.

BE IT RESOLVED by the Clay County Board of Supervisors, in regular session assembled on June 16<sup>th</sup>, 2015, that the Township Road described as:

The section of road known as Road 310, starting at the Southwest Corner of Section 18, T6N-R6W, thence East for 1,150 Feet, located between Section 18, T6N-R6W, Marshall Township, Clay County, Nebraska, and Section 19, T6N-R6W, Marshall Township, Clay County Nebraska, Is hereby declared to be closed.

Done this 16<sup>th</sup> day of June 2015 at regular session of the Clay County Board of Supervisors.

Todd Nuss, Chairman

Deb Karnatz, Clay County Clerk

Tom reported that he had visited with NEMA and did a preliminary damage assessment from the rain and storms this month. He reported on bridge and culvert damages. The area between Trumbull and Harvard seems to have the severest damage. Most of the places that were washed out were due to corn stalks. A big problem now is missing barricades. People are moving them, throwing into the ditches or just taking off with



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them. Dirt, rock and gravel work will be ongoing for several months. Tom was gone the last two weeks of May so distributed the May work report at this time.

Ted Griess, County Attorney spoke to the board concerning exemption from overtime. Ted explained a little bit about what job duties would constitute an exemption. His opinion is that the Emergency Manager is not exempt. It was decided that the overtime could be managed better. Ted also said that he had contacted the Public Defender and she is willing to renew the agreement with the same terms as the previous agreement.

Motion by Johnson and seconded by Shaw to authorize the chairman to sign the contract between Clay County and Michelle Oldham for \$2400.00 per month with \$200.00 monthly office allowance for the position of Public Defender for Clay County from July 1, 2015 through June 30, 2016. On roll call, yea: Shaw, Fintel, Samuelson, Anderson, Schmidt, Johnson and Nuss. Motion carried.

Roger Fehr and other area farmers wanted to discuss land taxes with the board. Roger asked the board to look at what the future may hold. Valuations will go down, taxes will go down and spending will have to be decreased. Something needs to be done before it gets to a crisis stage. The farmers will not always be able to shoulder the burden. He would like to see all entities start working together and planning to reduce expenses. The group asked the board to have conversations with the school boards, ESU's, Community Colleges, NRD's etc. at budget time to let them know the money may not always be there. The board told the group that they had no say over any budgets except the Clay County Townships, Fire Districts and Ag Society as well as the county offices/departments. The board encouraged the group to go to the budget hearings of the different entities and contact senators. The supervisors in turn said they would work with NACO (Nebraska Association of County Officials) and other counties to help make others aware of the impending situation.

The Agreement with Hamilton County for shared Veterans Service officer was not discussed.

Jeff Franklin, County Sheriff updated the board on deputy hiring status. Someone has been hired and will start in a few weeks. The board suggested Jeff look for a couple more vehicles and another deputy.

Dan Rutt, Director of Horizon Recovery and Robin Craig presented information on the number of clients, a budget form showing income and expenses, grant information, board of directors and volunteer statistics. The 2014 unduplicated clients for Clay County was 19; by helping 16 adults they affected the lives of 16 children. The money that was not covered for these services in Clay County amounted to \$1,812.00. Robin discussed the Life Skills program that she teaches. Since she started in January, she has been able to work with youth ages 12-15 in Hastings Middle School, Adams Central





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and Harvard. Some of the skills that are learned are goal setting, personal and oral hygiene, communication/decision making/conflict resolution, diet & exercise, stress/anger management/relaxation, occupation/money management, substance abuse and personal planning. A grant pays for Robin's wages but the cost of her trips to Clay County are not subsidized. The budget request is the same as last year.

Motion by Schmidt and seconded by Anderson to accept the budget request of Horizon Recovery in the amount of \$1500.00 for fiscal year 2015-2016 On roll call, yea: Fintel, Samuelson, Anderson, Schmidt, Johnson, Shaw and Nuss. Motion carried.

Jared Fullerton, USDA-APHIS presented the work/financial plan that included objectives/goals, plan of action, stipulations and restrictions. Jared reported that he had spent 370 hours in Clay County the past year. He also answered questions from the board. The cost estimate for services for the next fiscal year is \$121.00 more than the previous year.

Motion by Fintel and seconded by Samuelson to accept the Work/Financial Plan between Clay County and the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (USDA APHIS-WS) for 2015-2016 in the amount of \$6,110.00 and authorize the chairman to sign. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Fintel and Nuss. Motion carried.

The fee reports were circulated for review. Motion by Fintel and seconded by Samuelson to accept the fee reports for the following county officials for the month of June 2015: County Clerk, \$8,294.70, County Court \$8,779.79, Clerk of District Court, \$5,419.24, Sheriff fees for April 2015 for \$3,635.25, County Treasurer receipts #15050001 thru #15050048 in the amount of \$201,520.54. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Fintel, Samuelson and Nuss. Motion carried.

The additional life insurance benefit option was not discussed.

The EPC Letter of Agreement addressing each party's responsibilities regarding costs of Emergency Protective Custody was forwarded to the County Attorney for review. The 2015 Nebraska Legislature passed a 2.25% rate increase for all behavioral health services; therefore, the daily rate for EPC services beginning July 1, 2015 increases to \$738.13.

Motion by Samuelson and seconded by Shaw to authorize the chairman to sign the Letter of Agreement between Regional Governing Board for Region 3 Behavioral Health Services and Clay County effective from July 1, 2015 through June 30, 2016. On roll call, yea: Schmidt, Johnson, Shaw, Fintel, Samuelson, Anderson and Nuss. Motion carried.



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The letter from Region 3 requesting funds was received. The governing board voted to not increase the overall amount of tax match from all twenty-two counties but did change the amount allocated to each county based on the most recent U.S. Census population estimates. This resulted in a decrease of \$204.35 in the Clay County tax match for the upcoming fiscal year.

Motion by Fintel and seconded by Samuelson to accept the budget request of Region 3 Behavioral Health Services in the amount of \$13,117.63 for fiscal year 2015-2016. On roll call, yea: Johnson, Shaw, Fintel, Samuelson, Anderson, Schmidt and Nuss. Motion carried.

The annual billing statement from NIRMA was forwarded to the board prior to the meeting. Clay County's amount increased by 1.22% or \$1,497.00 based on individual loss history and changes in exposure base, such as property values, number and kind of vehicles, employee counts as well as other factors. The statement also included alternate property deductible levels. The board decided to make no changes to the deductibles.

The renewal sign permit for the Clay Center sign at the intersection of Highways 6 and 14 has been received. There was a change of address so the permit needs a signature.

Motion by Anderson and seconded by Johnson to authorize the chairman to sign the Sign Permit Update Form. On roll call, yea: Shaw, Fintel, Samuelson, Anderson, Schmidt, Johnson and Nuss. Motion carried.

Board of Equalization dates for July were discussed. It was decided to do the hearings in the afternoon of July 14<sup>th</sup> and again on July 21<sup>st</sup> if needed. No additional days will be scheduled.

The Veteran's Service Office fund was over spent due to the budget being prepared before the agreement with Hamilton County for shared services was in place.

Motion by Anderson and seconded by Samuelson to adopt Resolution #15-09 transferring budget authority and authorize the board members to sign. On roll call, yea: Fintel, Samuelson, Anderson, Schmidt, Johnson, Shaw and Nuss. Motion carried.

## RESOLUTION #15 - 09

WHEREAS, due to unforeseen circumstances, proposed expenditures exceed budget authority allocated for the Veteran's Service Office function in the General Fund Budget, and



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WHEREAS, budget authority in the County Miscellaneous budget, also an office function of the General Fund Budget, is adequate to allow for a transfer to meet current fiscal year expenditures, and

NOW, THEREFORE, BE IT RESOLVED, that an additional Six thousand six hundred ninety three dollars and 89 cents (\$6693.89) of budget authority is hereby allocated to the Veteran's Service office function from the County Miscellaneous budget function.

Dated this 16<sup>th</sup> day of June 2015.

Clay County Board of Supervisors     ATTEST: Deb Karnatz, Clay County Clerk

Motion by Anderson and seconded by Samuelson to adjourn this meeting at 12:28 P.M.; next meeting scheduled for June 23, 2015. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Fintel and Nuss. Motion carried.

Deb Karnatz, County Clerk

Todd Nuss, Chairman